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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

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ART UNIT

PAPER NUMBER

2744

DATE MAILED:

04/13/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/138,920

Applicant(s)  
Auten et al.

Examiner  
Temica M. Davis

Group Art Unit  
2744



☒ Responsive to communication(s) filed on Aug 24, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-18 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2744

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: On page 1, line 5, the word “**pages**” should read --**paggers**--, throughout the specification, the word “**cadium**” should read --**cadmium**--, and “**devices..**” should read --**devices**--.

Appropriate correction is required.

### *Claim Objections*

2. Claim 9 is objected to because of the following informalities: On page 19, 14 “claim 1” should read --claim 8--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Art Unit: 2744

4. Claims 1, 4, 6, 8, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Korycan, U.S. Patent No. 5,950,139.

Regarding claim 1, Korycan discloses a communication device comprising a housing (col. 2, lines 5-8; figure 2), telecommunication circuitry located within the housing (col.1, lines 57-61; figure 1), a lens located within the wall of the housing (figures 2-5), a source of illumination (LED) located within the housing and positioned to project a beam of light through the lens (col. 2, lines 23-45; figure 2-5), and inherently, a power source for the source of illumination in electrical communication with the source of illumination as evidenced by the fact that the LED's have the capability to illuminate (col. 2, lines 23-45).

Regarding claim 4, Korycan discloses the communications device of claim 1 wherein the source of illumination is an light emitting diode (col. 2, lines 23-45).

Regarding claim 6, Korycan discloses the communications device of claim 4 wherein the device is a cordless telephone (figures 2-5).

Regarding claim 8, Korycan discloses a power source unit comprising a housing (col. 2, lines 5-8; figure 2), a lens located within the wall of the housing (figures 2-5), a source of illumination located within the housing and positioned to project a beam of light through the lens (col. 2, lines 23-45; figure 2-5), and inherently, a power source for the source of illumination in electrical communication with the source of illumination (col. 2, lines 23-45).

Art Unit: 2744

Regarding claim 11, Korycan discloses the power source unit of claim 8 wherein the source of illumination is an light emitting diode (col. 2, lines 23-45).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5, 7-10, 13, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kan, U.S. Patent No. 5,297,247.

Regarding claim 1, Kan discloses a communication device comprising a housing (col. 5, lines 11-13), telecommunication circuitry located within the housing (col. 5, lines 11-47; figure 1), a lens (e.g. screen of the LCD display) (col. 6, line 50-51), a source of illumination located within the housing and positioned to project a beam of light through the lens (col. 6, lines 17-24; figure 1), and a power source for the source of illumination in electrical communication with the source of illumination (col. 6, lines 17-24; figure 1).

Kan, however, fails to specifically disclose the lens (e.g. screen of the LCD display) located within the wall of the housing. The examiner contends that this limitation is well known in the art, therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Kan by specifically providing for the screen to be located in the wall of

Art Unit: 2744

the housing for the purpose of the user to have the capability to see the information being displayed.

Regarding claim 2, the combination of Kan and well known prior art discloses the communications device of claim 1 further comprising a switch in electrical communication with the power source and the source of illumination (col. 6, line 63 - col. 7, line 54).

Regarding claim 3, the combination of Kan and well known prior art discloses the communications device of claim 1 wherein the source of illumination is an incandescent light bulb (col. 5, lines 43-47 and col. 6, lines 18-24); figure 1).

Regarding claim 5, the combination of Kan and well known prior art discloses the communications device of claim 3 wherein the power source is a battery comprising nickel, lithium, silver, mercury, magnesium, lead, zinc, manganese, combinations thereof, or oxides thereof (col. 5, lines 29-34; figure 1).

Regarding claim 7, the combination of Kan and well known prior art discloses the communications device of claim 5, and further discloses wherein the device could be a cellular telephone as evidenced by the fact that Kan's invention encompasses radio paging devices that perform RF communications in a personally portable form (col. 4, line 60 - col. 5, line 2).

Regarding claim 8, Kan discloses a power source unit comprising a housing (col. 5, line 11-13; figure 1), a lens (e.g. screen of the LCD display), a source of illumination located within the housing and positioned to project a beam of light through the lens (col. 6, lines 17-24),

Art Unit: 2744

and a power source for the source of illumination in electrical communication with the source of illumination (col. 6, lines 17-24).

Kan, however, fails to specifically disclose the lens (e.g. screen of the LCD display) located within the wall of the housing. The examiner contends that this limitation is well known in the art, therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Kan by specifically providing for the screen to be located in the wall of the housing for the purpose of the user to have the capability to see the information being displayed.

In view of the objection to claim 9 in paragraph 2 of this office action, the examiner will read claim 9 as being dependent on claim 1.

Regarding claim 9, the combination of Kan and well known prior art discloses the power source unit of claim 1 further comprising a switch in electrical communication with the power source and the source of illumination (col. 6, lines 17-24).

Regarding claim 10, the combination of Kan and well known prior art discloses the power source unit of claim 8 wherein the source of illumination is an incandescent light bulb (col. 5, lines 43-47 and col. 6, lines 18-24; figure 1).

Regarding claim 13, the combination of Kan and well known prior art discloses the power source of claim 8, and further discloses wherein the power source could be in a cordless telephone as evidenced by the fact that Kan's invention encompasses radio paging devices that perform RF communications in a personally portable form (col. 4, line 60 - col. 5, line 2).

Art Unit: 2744

Regarding claim 15, the combination of Kan and well known prior art discloses the power source of claim 8, and further discloses wherein the power source could be in a cellular telephone as evidenced by the fact that Kan's invention encompasses radio paging devices that perform RF communications in a personally portable form (col. 4, line 60 - col. 5, line 2).

Regarding claim 17, the combination of Kan and well known prior art discloses the power source of claim 8, and further discloses a power tool comprising the power source unit as evidenced by the fact that the pager has power elements (figure 1).

Regarding claim 18, Kan discloses a radio comprising the power source unit of claim 8 (col. 5, lines 37-47; figure 1).

7. Claims 12, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korycan, U.S. Patent No. 5,950,139 and well known prior art.

Regarding claim 12, Korycan discloses the power source unit of claim 11. Korycan, however, fails to specifically disclose wherein the power source is a battery comprising nickel, lithium, silver, mercury, magnesium, lead, zinc, manganese, combinations thereof, or oxides thereof.

However, the examiner contends that batteries/power sources described above are well known in the art, therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Korycan by specifically providing for a battery/power source as described above for the purpose of having a means to power the communication device in order for a subscriber/user to communicate with the communication device.



Art Unit: 2744

Regarding claim 14, the combination of Korycan and well known prior art discloses a cordless telephone comprising the power source unit of claim (figures 2-5).

Regarding claim 16, the combination of Korycan and well known prior art discloses a cellular telephone comprising the power source unit of claim 12 (col. 1, lines 12-21; figures 1-5).

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

ul Azam et al, U.S. Patent No. 5,878,353 discloses an RF communication device including a mirrored surface.

Novis et al, U.S. Patent No. 5,867,795 discloses a portable electronic device with transceiver and visual image display.

Weisshappel et al, U.S. Patent No. 5,857,148 discloses a portable electronic device and method for coupling power thereto.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday from 6:30 am to 4:00 pm. The examiner can also be reached on alternate Fridays.

Art Unit: 2744

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-6306 or (703) 308-6296 (for any communications intended for entry).

*Hand-delivered responses should be brought to Crystal Park II, 2121*

*Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).*

TMD

Temica M. Davis

April 5, 2000

W-G-T

William G. Trost  
Primary Examiner